

**BEFORE THE BOARD OF MEDICAL EXAMINERS  
STATE OF IOWA**

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**IN THE MATTER OF THE COMPLAINT AND STATEMENT OF CHARGES  
AGAINST**

**JERALD W. BYBEE, M.D., RESPONDENT**

**02-97-028**

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**TERMINATION ORDER**

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**NOW ON FEBRUARY 7, 2002 BE IT REMEMBERED:**


1. That on January 29, 1998, an Order was issued by the Iowa Board of Medical Examiners placing the license to practice medicine and surgery, number 21580 issued to Jerald W. Bybee (the Respondent) on July 10, 1979, on probation under certain terms and conditions; and,

2. That the Respondent has successfully completed probation as directed; and:

3. That the Board having directed that the probation placed upon the Respondent's license to practice medicine and surgery should be terminated:

**IT IS HEREBY ORDERED:**

That the probation placed upon the Respondent's license to practice medicine and surgery is terminated, and the license is returned to its full privileges free and clear of all restrictions.

  
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Dale R. Holdiman, M.D., Board Chairperson  
IOWA BOARD OF MEDICAL EXAMINERS  
400 SW 8<sup>th</sup>, Suite C  
Des Moines, Iowa. 50309-4686

**BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA**

\*\*\*\*\*

**IN THE MATTER OF THE LICENSURE DISCIPLINE OF**

**JERALD W. BYBEE, MD, LICENSEE**

**No. 02-97-028**

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**STATEMENT OF CHARGES,**

**SETTLEMENT AGREEMENT and FINAL ORDER  
(combined)**

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**COMES NOW** Iowa Board of Medical Examiners (the Board), and Jerald W. Bybee, MD (the Respondent), on January 29, 1998, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

**STATEMENT OF CHARGES**

1. The Respondent was issued license number 21580 to practice medicine and surgery in Iowa on July 10, 1979. The license is valid and will next expire on June 1, 1999.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

**COUNT I**

3. The Respondent is charged under Iowa Code section 148.6(2)(h) (1997) and section 653 Iowa Administrative Code Section 12.4(4) and 12.4(14) with the inability

to practice medicine and surgery with reasonable skill and safety due to the excessive use of prescription medication and alcohol.

4. The Board is authorized to impose discipline against the Respondent pursuant to all or part of the provisions of Iowa Code sections 147.55(4), 148.6(2)(h), and 653 IAC 12.4(4), 12.4(14), 12.4(28), 13.2 and 13.10.

### **CIRCUMSTANCES**

5. For a period of several years the Respondent has habitually and excessively used prescription medication and alcohol.

6. On several occasions the Respondent diverted prescription medication intended for patient use (samples) for his own personal use.

### **SETTLEMENT AGREEMENT**

7. The Board has jurisdiction over the parties and subject matter herein.

8. The Respondent admits the allegations of the Statement of Charges.

9. Immediately upon the Board's approval of this Statement of Charges Settlement Agreement and Final Order, the Respondent's Iowa medical license shall be placed on probation for a period of four (4) years under the following terms and conditions:

- a) The Respondent shall not consume alcohol.
- b) The Respondent shall not use any prescription medication in any form unless the prescription medication has been prescribed for the Respondent's use by another duly licensed treating physician or

other qualified treating health care provider. The Respondent shall inform any treating physician or other treating health care provider of his history of prescription medication and alcohol abuse prior to receiving any prescription medication.

- c) The Respondent shall provide witnessed blood or urine specimens on demand by an agent of the Board. The specimen shall be used screened, all costs of which shall be paid by the Respondent.
  - d) The Respondent shall within thirty (30) days of the date of the Board's approval of this Settlement Agreement, submit to the Board the names and curriculum vitae of three physicians or counselors. One of the three may be the physician or counselor currently providing the Respondent's prescription medication and alcohol abuse treatment. The Board may approve one of the three to supervise the Respondent's continued prescription medication and alcohol abuse treatment.
- (1) As a condition of the approval, the physician or counselor shall agree to submit written quarterly reports to the Board concerning the Respondent's treatment progress. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of the Respondent's probation

- (2) The Respondent shall continue with treatment until discharged from treatment by the Board approved physician or counselor and until the licensee's discharge from treatment is approved by the Board.
- e) The Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Settlement Agreement. The reports shall be filed not later than January 10, April 10, July 10 and October 10 of each year of the Respondent's probation.
- f) The Respondent shall attend at least eight (8) Board approved aftercare meetings (Alcoholics Anonymous or other similar organization) monthly. The Respondent shall append to each quarterly report referred to in subparagraph 8-e above, statements signed or initiated by another person in attendance at the meetings attesting to the Respondent's attendance. The statement shall include the time, date and location of the meetings attended.
- g) The Respondent shall make appearances before the Board or a Board committee annually or upon request. The Respondent shall be given reasonable notice of the date, time and location for the appearances.

- h) The Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

10. In the event the Respondent leaves Iowa to reside or practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of the Settlement Agreement and Final Order. Evidence that the Respondent has failed to abide by the terms of subparagraphs 9-(a), 9-(b) or 9-(h) of this combined Settlement Agreement and Final Order while outside the state shall constitute a violation thereof.

11. In the event the Respondent violates or fails to comply with any of the terms or conditions of this combined Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke the Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

12. Upon full compliance with the terms of this combined Settlement Agreement and Final Order, and upon expiration of the period of probation, the Respondent's Iowa medical license shall be restored to its full privileges free and clear of the terms of probation.

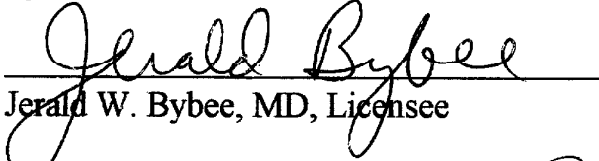
13. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

14. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, the Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

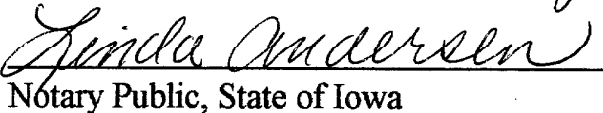
15. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by the Respondent to the Board for consideration.

16. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.

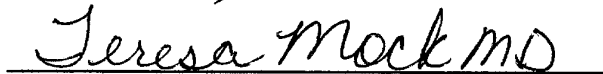
17. The Board's approval of this Statement of Charges and Settlement agreement shall constitute a **FINAL ORDER** of the Board.

  
Gerald W. Bybee, MD, Licensee

Subscribed and sworn to before me on Jan 26<sup>th</sup>, 1998.

  
Linda Andersen  
Notary Public, State of Iowa

This Statement of Charges and Informal Settlement is approved by the Board on  
January 29, 1998.

  
Teresa A. Mock, M.D., Chairperson  
Iowa Board of Medical Examiners  
1209 East Court Avenue  
Des Moines, IA 50319-0180  
Phone 515-281-5171